

SUBJECT: Internal Affairs	NUMBER: 2-6.01
EFFECTIVE DATE:	REVIEW DATE:
NMMLEPSC STANDARDS: ADM.19.01, ADM.19.02, ADM.19.03, ADM.19.04, ADM.19.05, ADM.19.06, ADM.19.07, ADM.19.08, ADM.19.09	APPROVED: Sheriff

II. POLICY:

The image of the department depends on the personal integrity and discipline of all departmental employees. To a large degree, the public image of this department is determined by the professional response of the department to allegations of misconduct against it or its employees. The department will competently and professionally investigate all allegations of misfeasance, malfeasance, nonfeasance by employees and complaints bearing on the department's response to community needs. All conditions of the New Mexico statutes pertaining to Peace Office's Employer-Employee Relations will be enforced with regard to investigations and related processes. Every complaint may not result in an Internal Affairs Investigation.

III. INTERNAL AFFAIRS UNIT

This agency shall have a functioning Internal Affairs Unit in operations at all times. The Internal Affairs Unit acts as a staff investigative body, responsible to the Sheriff, for the purpose of conducting administrative investigations with four major purposes.

- A. To assist in maintaining Department integrity.
- B. Identify members or employees guilty of misconduct so they may be retrained or corrected, or, if unacceptable for further law enforcement service, be removed through proper administrative action.
- C. Protect innocent sworn and non-sworn personnel.
- D. Enable a legal advisor to render professional legal counsel to the Sheriff or his representatives.

IV. DEFINITIONS

- A. Complaint: Grievance against a department employee where he/she is alleged to have violated a policy of the Valencia County Sheriff's Department Rules and Regulations, County of Valencia Personnel Manual, State Statute, or Civil Rights Act.

- B. Supervisory Investigation: This category of investigations can be initiated and investigated by any supervisor. These investigations can include, but are not limited to violations of policy or statute. Investigations can be conducted in the absence of a complaint.
- C. Internal Affairs Investigation: An investigation conducted at the direction of the Sheriff, performed in an effort to determine if any of the Department's Rules and Regulations or rules set out in the County of Valencia Personnel Manual have been violated.

V. RULES AND PROCEDURES

A. General

1. The Internal Affairs Unit will be assigned to the Professional Standards Office.
2. The Department will initiate investigations within thirty (30) days of the date the Sheriff becomes aware of an event giving rise to investigate. All investigations must be completed within sixty (60) days unless the deputy has been notified in writing of the need for an extension, with an explanation outlining the need for an extension.
3. Any employee who receives a complaint shall to notify the Sheriff through the chain of command.
4. Employees shall receive updates of this policy whenever changes are made.

B. Complaints

1. The Sheriff will implement a citizen's complaint form to be utilized by the community to document issues with department personnel.
2. The department encourages citizens to bring forward legitimate grievances regarding misconduct by employees. Department members shall receive complaints courteously and shall handle them efficiently. All deputies are obligated to explain to inquiring citizens the complaint procedures.
3. The Sheriff will assign complaint investigations to a supervisor and when necessary authorize the use of other personnel to assist in the investigation.
4. Complaints alleging improper police conduct; brutality or misconduct involving several personnel or supervisory personnel may be handled as an internal affairs matter, and may be investigated by the Professional Standards Office.
5. Complaints, regardless of nature, can be logged in person, by mail, or by phone at any time. As part of the follow-up investigative activity, persons making complaints by mail or phone normally shall be interviewed and a written, signed complaint prepared.

6. Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of citizen complaints. An employee of the department, who interferes with, discourages or delays the making of such complaints shall be subject to disciplinary action.
7. A department member receiving a citizen complaint through U.S. mail shall place the correspondence and envelope in a sealed envelope and forward it to the Sheriff, who will determine investigative responsibility.
8. Complaints received by telephone by dispatchers or other employees will be courteously and promptly referred to the Sheriff. The dispatcher or employee shall record the name and telephone number of the complainant and state that the Sheriff or, if unavailable, the first available supervisor shall call back as soon as practicable.
9. The Sheriff will notify the complainant, in writing, as soon as practicable, that the department acknowledges receipt of the complaint, its status, that it is under investigation, the investigation will be completed within as soon as practicable, and that the complainant will be advised of the outcome.
10. Personnel who have complaints of misconduct, illegal acts, or violations of policy of other employees will follow procedures stated in the General Conduct Section of this manual.

C. Interviews

1. The agency will provide the employee with a written statement of the allegations and facts they have become the subject of a formal internal affairs investigation. The employee will be advised of their rights and responsibilities relative to the investigation.
2. The interview of sworn or non-sworn personnel shall be at a reasonable hour, preferably when that personnel is on duty, unless the event under investigation dictates otherwise.
3. The interview shall take place at a location designated by the investigator, usually the Sheriff's Department.
4. The sworn or non-sworn personnel shall be informed of the rank and name of the interviewing member and all persons present during the interview.
5. All investigations will comply with the Peace Officer's Employer-Employee Relations Act [29-14-1 NMSA 1978].
6. The questioning shall not be overly long. Reasonable respites shall be allowed. Time shall also be allowed for personal necessities, meals, telephone calls, and rest periods as are reasonably necessary.

7. Sworn or non-sworn personnel shall not be subjected to any offensive language, nor shall be threatened with transfer, dismissal, or other disciplinary action. However, he shall be informed at the outset of the interview that any personnel found to be knowingly withholding evidence or information pertaining to an investigation will be subject to disciplinary action or dismissal. No promises or reward shall be made as an inducement to answer questions.
8. Interviews shall be limited in scope to activities, circumstances, events, conduct or acts, which are relevant to the incident, which is the subject of the investigation. Nothing in this procedure shall prohibit questioning the employee about information, which is developed during the course of the interview.
9. The complete interview of the sworn or non-sworn personnel shall be recorded, and may be transcribed. There will be no “off the record” questions or statements. All recesses called during the interview shall be noted on the recording. The tape recording shall be preserved and may be introduced in the event the employee declines to sign the verbatim transcript of the recording.
10. If the employee is under arrest or is likely to be, he shall be given his “Miranda” rights.

D. Case Files

1. All internal investigations are confidential and may only be copied, released, or reviewed with permission of the Sheriff. All requests for file release, copy, or review will be submitted in writing to the Sheriff.
2. These completed records will be maintained by the Sheriff. These records will be retained for three (3) calendar years. Internal Investigations records will be stored secured and separate from other department records.

E. Adjudication Of Complaints

1. The Sheriff will classify completed internal affairs investigations as:
2. Unfounded – Allegation false or not based on solid facts.
3. Exonerated – Allegation factual but lawful and proper
4. Not sustained – Allegation cannot be proved or disproved due to insufficient evidence.
5. Sustained - Allegations supported by sufficient proof.

F. Disciplinary Actions

All completed investigations will be reviewed by the Sheriff for implementation of disciplinary action, remedial training or other disposition, if required.

G. How To Make A Complaint

1. If you wish to make a complaint about the actions of a Sheriff's Deputy or about any aspect of Sheriff's operations, please:
2. Come to the department and tell any employee that you want to make a complaint or fill our form on the Valencia County Web Site, Sheriff's page, under Public Service Reporting Form. The form utilized for written complaints is located in the appendix of this manual.
3. Call the department and tell the person answering the phone that you want to make a complaint; or
4. Write your complaint and mail it to the Sheriff.
5. A supervisor will assist you in filling out a report of complaint against Sheriff's personnel form. This form asks you to identify yourself and then to give specific details about your complaint.
6. Your complaint will then be investigated. You may be contacted and asked additional questions about your complaint.
7. If it is going to take a long time to investigate your complaint, you will receive a letter telling you approximately when you may expect a reply.
8. When your complaint has been investigated, the Sheriff will review the investigation and will write you a letter explaining what has been found out about the matter.